



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,062	05/06/2005	Hiroyuki Nishimura	271411US3PCT	2653

22850 7590 03/28/2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/534,062

Applicant(s)

NISHIMURA, HIROYUKI

Examiner

Muthuswamy G. Manoharan

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesen (US 2004/0160511) in view of Matsumoto (US 2003/0228847).

Regarding claim 1, Boesen teaches a mobile device according to the invention comprises: a body^{200/202} including an operation section²⁰⁸; a lower housing that has front-back two faces, includes on one face a first display capable of displaying an image (item 216 in Figure 27), and is connected to said body via a hinge so as to be foldable (Figure 27); an upper housing that has front-back two faces, includes on one face a second display capable of displaying an image (item 218 in Figure 27), and is connected to the mentioned lower housing via an inverting mechanism inverting about a shaft substantially parallel with a face of said first display.

Boesen did not teach expressly an inverting mechanism inverting about a shaft substantially parallel with a face of said first display and an imaging device, which is mounted onto either of said lower housing or of said upper housing, and in which image taking is operated by said operation section and an image having been taken is displayed on said first, display or said second display.

Art Unit: 2687

However, Matsumoto teaches in an analogous art, an inverting mechanism inverting about a shaft substantially parallel with a face of said first display (Figure 4) and an imaging device, which is mounted onto either of said lower housing or of said upper housing, and in which image taking is operated by said operation section and an image having been taken is displayed on said first display or said second display (item 22 in Figure 4).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use an inverting mechanism inverting about a shaft substantially parallel with a face of said first display. This modification improves the operability of the portable communication device for taking a picture by the camera.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesen (US 2004/0160511) in view of Matsumoto (US 2003/0228847) and further in view of Matsumoto in a different embodiment.

Regarding claim 2, Boesen in view of Matsumoto teaches the mobile device according to claim 1. Boesen further teaches a device wherein said first display is provided on a face of the side adjacent to said body when said lower housing is, folded (Figure 27).

Neither Boesen (first embodiment) nor Matsumoto teaches said imaging device is provided on the backside of a face on which said first display of said lower housing is located.

However, Boesen teaches in an analogous art (different embodiment), wherein said imaging device is provided on the backside of a face (item 128 in Figure 22) on which said first display (item 129 in Figure 23) of said lower housing is located so as to make the device user friendly.

Regarding claim 3, Boesen in view of Matsumoto teaches all the particulars of the claim 2. Neither Boesen (first embodiment) nor Matsumoto teaches said imaging device wherein said imaging device is located on the backside of the portion of said one face of said lower housing where there is no said first display.

However, Boesen teaches in an analogous art wherein said imaging device (item 128 in Figure 22) is located on the backside of the portion of said one face of said lower housing where there is no said first display (item 123 in Figure 23). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the device wherein said imaging device is located on the backside of the portion of said one face of said lower housing where there is no said first display so as to make the device user friendly.

Regarding claim 4, Boesen in view of Matsumoto teaches all the particulars of the claim 2. Neither Boesen (first embodiment) nor Matsumoto teaches said first display is located at one end portion on one case of said lower housing; and said imaging device is located on the back side of the other end portion of said one face of said lower housing.

Art Unit: 2687

However, Boesen teaches in an analogous art, a mobile device wherein said first display is located at one end portion on one case of said lower housing (item 123 in Figure 23); and said imaging device is located on the back side of the other end portion of said one face of said lower housing (item 128 in Figure 22). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the device wherein said first display is located at one end portion on one case of said lower housing; and said imaging device is located on the back side of the other end portion of said one face of said lower housing so as to make the device user friendly.

Claim 5 is rejected for the same reasons as set forth in claims 3.

Regarding claim 6, Boesen (first embodiment) in view of Matsumoto teaches all the particulars of the claim 6 except wherein said imaging device is provided on a face on which said display of said housing is located.

However, Boesen teaches (different embodiment) in analogous art, a mobile device wherein said imaging device is provided on a face on which said display of said housing is located (item 128 in Figure 22 and item 123 in Figure 23). Therefore, it would be obvious to one of ordinary skill in the art to have the mobile device wherein said imaging device is provided on a face on which said display of said housing is located so as to make the device user friendly.

Regarding claim 7, Boesen (first embodiment) in view of Matsumoto teaches all the particulars of the claim 1. Boesen (first embodiment) did not teach expressly the mobile device, according claim 1, wherein said imaging device is provided on a face where said lower housing is located. However, Matsumoto teaches in an analogous art

Art Unit: 2687

wherein said imaging device is provided on a face where said lower housing is located (item 21 in Figure 2). This modification makes it possible to make the upper housing display and the camera to face directions independent of each other and makes it user friendly.

Claim 8 is rejected for the same reason as set forth in claim 7.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boesen in view of Matsumoto and further in view of Trively (US 2004/0176047).

Regarding claim 9, Boesen in view of Matsumoto teaches all the particulars of the claim 1. Boesen did not teach expressly the mobile device according to claim further comprising: communication means a receiver that connected to said communication means, and is located at said upper housing. However, Matsumoto teaches in analogous art, the mobile device according to claim further comprising: communication means a receiver that connected to said communication means, and is located at said upper housing. Therefore, it would be obvious to one of ordinary skill in the art to have the mobile device according to claim further comprising: communication means a receiver that connected to said communication means, and is located at said upper housing. This modification makes the device user friendly.

Neither, Boesen nor Matsumoto teaches a transmitter that is located on said hinge, which is connected to said communication means, and which comes on the outside when said lower housing is folded, and comes on the inside when said lower

Art Unit: 2687

housing is opened, and that enables to transmit in the state in which said lower housing is folded. Moreover Trively teaches in an analogous art, the mobile device according to claim further comprising: communication means a receiver that connected to said communication means, and is located at said upper housing (Paragraph [0015], lines 14-17; item 110 in Figure 1B) so that sound reaches the receiver with flip cover in either open or closed position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER